

SHAUN ZAKARIA

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December 19, 2023

Hon. Cheryl L. Pollak
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Leroy Jones v. Mega Home & Linen, Inc. and Shaun Zakaria
Case No. 1:22-CV-6010 (LDH) (CLP)

Dear Judge Pollak,

I am the defendant. I am writing to ask you to compel the plaintiff to produce written discovery responses, or in the alternative, preclude the plaintiff from offering evidence as to matters requested and which should have been disclosed.

Plaintiff served objections and refused to respond to basic requests for documents and interrogatories. On December 12, 2023 I sent an E-mail to plaintiff's attorney asking the responses and asking that they be provided; counsel never responded. I am providing a copy of his responses pursuant to your rules.

At this time we have the plaintiff did not respond to basic discovery requests. He writes that he has documents but will not provide them. He served ridiculous objections to all of my requests for interrogatories and documents and did not respond to the questions.

I attempted to resolve this without Your Honor's help but just like every time I write to plaintiff's counsel I get no response.

For these reasons I am asking for an order compelling the plaintiff to respond and precluding plaintiff from offering evidence as trial as to matters which should have been but have not been disclosed. I welcome an opportunity to discuss the pending requests at a status conference. As Your Honor may recall, I prefer meetings to be in person at the courthouse, and I am not comfortable appearing virtually or by telephone.

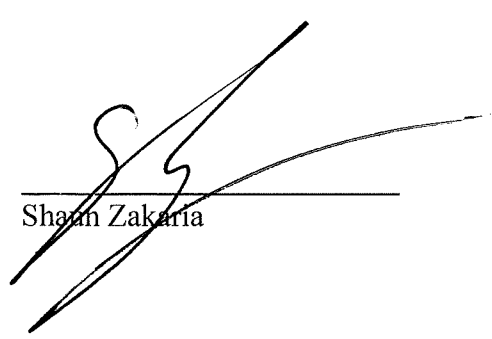
I thank Your Honor for considering this application.

Respectfully submitted,

Hon. Cheryl L. Pollak, U.S.M.J.

December 19, 2023

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Shaan Zakaria

cc: Defense Counsel (by ECF)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
Leroy Jones, *on behalf of himself and others similarly
situated in the proposed FLSA Collective Action,*

Case No.: 1:22-cv-06010

Plaintiff,

-against-

Mega Home & Linen, Inc., and Shaun Zakaria,

Defendants.
-----X

**PLAINTIFF'S RESPONSES AND OBJECTIONS TO
DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff Leroy Jones (the "Plaintiff"), through his undersigned counsel, as and for their responses to Defendants Mega Home & Linen, Inc., and Shaun Zakaria (together, the "Defendants") First Request for the Production of Documents, respond as follows:

These responses are made solely in relation to the above-captioned action, and are proffered only for the purpose of responding to the Defendants' Request. All responses are subject to the objections noted below. Plaintiff reserves the right to object on any ground to (1) the admissibility or use of any information provided herein in any subsequent stage or proceeding in this or any other action; and (2) any other discovery procedure relating to the subject matter of this Request. Additionally, these responses are given without prejudice to Plaintiffs' right to produce at a later date and/or rely at trial upon information that is subsequently discovered or inadvertently omitted.

GENERAL OBJECTIONS AND LIMITATION TO ALL REQUESTS

Plaintiff hereby incorporates by reference each of the following General Objections and

Limitations (“General Objections”) in their responses to each specific Request as if specifically set forth therein, in addition to such other specific and further objections to each Request as noted in each response. Any such specific objections to a particular Request shall not be construed as a waiver of any of Plaintiffs’ General Objections, and any reference to or restatement of a General Objection in the response to a particular Request shall not limit that General Objection or waive any other General Objection. Unless otherwise specifically stated, Plaintiffs’ objections to each Request apply to the entire Request, including each and every subparagraph of each Request.

1. Plaintiff objects to each Request to the extent that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

2. Plaintiff objects to each Request to the extent that it is duplicative, unreasonably cumulative, oppressive or unduly expensive to answer.

3. Plaintiff objects to each Request that it calls for a legal conclusion.

4. Plaintiff objects to each Request to the extent that the information requested is a matter of public record or is already in the possession of Defendants (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Defendants as for Plaintiff.

5. Plaintiff objects to each Request to the extent that they seek documents generated subsequent to the commencement of this litigation, on the grounds that such Requests seek information either not relevant to the subject matter of the litigation, and/or not reasonably calculated to lead to the discovery of admissible evidence.

6. Plaintiff objects to each Request to the extent that it seeks the production of information or documents protected from discovery by any privilege, including the attorney-client privilege (including without limitation documents prepared in anticipation of litigation by or for Plaintiffs or her attorneys (or any agents or representatives of Plaintiffs or their attorney), or documents or information which would disclose the mental impressions, conclusion, opinions, or legal theories of attorneys or other agents or representatives of Plaintiff concerning any matters at issue in this litigation) or any other applicable privilege, immunity, or limitation on discovery. To the extent any protected information is produced or otherwise disclosed, such production or disclosure is inadvertent, and Plaintiff shall not be deemed to have waived any privilege with respect to that or any other information.

7. Plaintiff objects to each Request to the extent that it is not limited to a specific time period relevant to the matter or exceeds the applicable statute of limitations.

8. Plaintiff objects to each Request to the extent it seeks personal or confidential information (including without limitation employment and financial information) concerning individuals or entities not involved in this action.

9. Plaintiff objects to each Request to the extent that it calls for speculation, is vague or ambiguous, or otherwise alleged agents or representatives of Plaintiff who is not subject to Plaintiff's control, or to the extent that such information would violate any privacy interests or other rights of alleged agents or representatives.

10. Plaintiff objects to each Request to the extent that it seeks information from any former, apparent, or otherwise alleged agents or representatives of Plaintiff who is not subject to Plaintiff's control, or to the extent that such information would violate any privacy interests or other rights of alleged agents or representatives.

11. Plaintiff objects to each Request to the extent that it seeks information that was not created by Plaintiff, or is not currently in the possession, custody, or control of Plaintiff, or seeks to impose upon Plaintiff an obligation to acquire, review, or otherwise have knowledge of information that is in possession of others.

12. Plaintiff reserves the right to supplement these responses with any additional relevant, responsive, non-privileged documents that is within its possession, custody, or control and capable of being ascertained with reasonable diligence.

Without waiving the General Objections or any objections set forth in response to specific Requests, Plaintiff responds, within the limits of these objections, as set forth below.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

Document Request 1: All oral, written, or electronic documents (a) between you and any of the defendants, (b) between you and any present or former representative, agent, or employee of the defendants, or (c) between you and any potential witness in this action concerning anything alleged in the complaint or your employment by defendant, and all documents that refer or relate to any such documents.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 2: All documents concerning any communications between you and any person, excluding your attorneys but expressly including present or former employees of the defendants concerning anything in the alleged Complaint.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive

information to this request. Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 3: All documents that you or any other person removed from any defendant's premises or from any defendant's computer or voicemail systems

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 4: All documents concerning any bankruptcy proceedings in which you have been a party.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 5: All documents concerning any assertion or claim you make in this action that you suffered money damages as a result of any conduct or omission by any defendant, including but not limited to the calculation of such damages.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 6: Any past and current job applications, resumes, licenses, recommendations, degrees, diplomas, certificates, awards, evaluations, and other

documentation concerning your qualifications for the employment you held with any of the defendants since the date when defendant allegedly hired you.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 7: All documents, including without limitation job applications, resumes, licenses, recommendations, degrees, diplomas, certificates, awards, evaluations, and other documentation concerning your qualifications that you provided to defendant in connection with your alleged employment with such defendant.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 8: All documents concerning any agreement relating to your employment with defendant.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 9: All employee handbooks, memoranda, policies, invoices, photographs, records, notes, diaries, timesheets, or other written material that you prepared or obtained or any defendant provided to you during the Relevant Period.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 10: All documents concerning the duties you performed or were responsible for performing while employed by any defendant during the Relevant Period.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 11: All documents concerning, or that record or reflect in any manner the quantity, type, and quality of work you performed while employed by the defendants, including but not limited to evaluations; job descriptions; work schedules; job assignment; training materials; written or oral reprimands or warnings; compliments, or commendations; e-mail communications, text messages, notes, memoranda, and other correspondence.

Document Request 12: All documents that refer or related to the job or occupation that you had with defendants during the Relevant Period, including but not limited to:

- (a) Hours (including dates) of work;
- (b) Remuneration;
- (c) Bonuses;
- (d) Tips;
- (e) Deductions from pay;
- (f) Expense Reimbursements;
- (g) Benefits;
- (h) Job duties;
- (i) Job reviews/performance;
- (j) Personnel file(s); and,
- (k) End of your employment, whether voluntary or involuntary.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 13: All documents, concerning, or that record or reflect, hours that you worked while employed by defendants during the Relevant Period, including but not limited to work schedules, time cards, punch cards, pay stubs, calendars, log books, notebooks, diaries, or the like.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 14: All documents concerning or that record or reflect, any pay you received while employed by defendants, including without limitation all wage statements or pay stubs you received from any defendant for any work week in the Relevant Period, or any other document that sets forth your gross wages, net wages, deductions from your pay, etc. during any such work week.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 15: All documents concerning, or that record or reflect, any paid or unpaid leave you took while employed by any defendant.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 16: All documents concerning, or that record or reflect any meal periods you took while employed by any defendant.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of

obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 17: Complete State, City and federal tax returns, W-2's, 1099's and other tax records that show earnings, remuneration, or compensation, or compensation of any kind from any source, during the relevant period.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 18: All documents concerning, or that record or reflect, any communications, oral or written, between you and the United States or New York State Department of Labor concerning your employment with any defendant.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 19: All documents that identify any employer other than defendants for which you provided services while employed by any defendant, including but not limited to employment or self-employment.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 20: All documents concerning, or that record or reflect, your attendance, absences, or leaves absence due to sickness, or any other reason, or tardiness or timeliness for any period while you were employed by defendants.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 21: All witness statements, affidavits, interview notes and tape or video or other recordings of any communications, including any drafts and transcripts of such documents, of any defendant, any witness, or any potential witness in this action or of any other person concerning the employment of or wages paid to any plaintiff, or any claim or defense that has been asserted in this action or any facts related thereto.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 22: To the extent not already produced, all documents that you referred to, identified, used, or reviewed in responding to defendants' First Set of Interrogatories, or in preparing Plaintiff's Rule 26 Initial Disclosures, the Complaint, or any allegations set forth therein.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 23: All documents concerning any personal activities in which you engaged during work hours while you were employed by any defendant, including but not limited to medical appointment cards, classes at any school or college, legal proceedings, electronic or paper journals, calendars, or diaries.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 24: All documents concerning any complaints or comments you made at any time to any person, excluding your attorneys, about your employment with any defendant or about your pay.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope

of disclosure required by the FRCP.

Document Request 25: All documents concerning any legal action and/or administrative proceedings in which you were or have been a party other than this action.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 26: All documents concerning any criminal convictions entered against you and any criminal proceedings presently pending against you.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 27: All reports prepared by or that you provided to any expert whom you (including your attorneys) have retained or consulted in connection with this action.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 28: All reports prepared by or that you provided to any expert any you expect will testify at trial.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 29: All documents concerning the personnel policies of any defendant,

including but not limited to copies of employee handbooks and any cover memoranda that accompanied them.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 30: All documents concerning, or that refer to or constitute any allegations that you were denied, or were not paid, overtime or any other compensation to which you were entitled or believe you were entitled.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 31: All documents that you intend to introduce at trial.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 32: All documents concerning the allegation set forth in the Complaint that defendants' alleged failure to have paid you overtime compensation.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 32: All documents concerning the allegation set forth in the Complaint that defendants' alleged failure to have paid you overtime compensation.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 33: All documents concerning the allegations of the Complaint that your work schedule consisted of the hours and days during the periods set forth therein.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 34: All documents that Plaintiff intends to introduce as exhibits or part of an exhibit at the trial of this action.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 35: Copies of any and all documents relating to Plaintiff's alleged employment at Defendants' store.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 36: All documents concerning the subject matter of this action, or concerning any of the allegations set forth in the Complaint not requested in any of the requests set forth above.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 37: Copies of Plaintiff's bank statements for the relevant period of Plaintiff's alleged employment.

Response: Plaintiff objects to this request on the basis that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

Document Request 38: Copies of Plaintiff's text messages with Defendants or any other employee of the Defendants.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 39: Copies of any photos or videos depicting the premises of Defendant's store in the possession of Plaintiff.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 40: Any document used or referred to by the Plaintiffs, in preparing their Complaint.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request

Document Request 41: All documents which concern any terms or conditions of Plaintiff's employment with any of the Defendants.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 42: All paystubs, canceled checks, receipts, W-2 and other documents concerning any compensation or income received by Plaintiff during each year that he was allegedly employed by any of the Defendants, including any cash payments that Plaintiff received.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 43: All paystubs, canceled checks, receipts, W-2 and other documents concerning any compensation or income received from any other source during each year that Plaintiff was allegedly employed by any of the Defendants, including any cash payments that Plaintiff received.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 44: Any documents concerning the number of number of hours that Plaintiff worked for any of the Defendants, including, but not limited to, any and all timesheets, diaries, calendars, notes, correspondence, communications, or other documents purporting to document such hours.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 45: All documents, including, but not limited to, schedules and/or calendars, concerning the day dates on which Plaintiff worked for any of the Defendants.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 46: Any documents concerning complaints made by Plaintiff concerning his employment with any of the Defendants, including, but not limited to, complaints concerning wages earning, job duties, hours worked or any other matters related to his employment.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Document Request 47: All documents that support Plaintiff's claims that he was not paid a minimum and/or overtime wage for all hours worked for any of the Defendants.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not

in possession of any responsive information to this request.

Document Request 48: Any and all documents that support Plaintiff's claim that he worked excess of forty (40) hours per week for any of the Defendants.

Response: Plaintiff objects to this request to the extent that the information requested is a matter of public record or is already in the possession of Plaintiff (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiff as for Plaintiff. Subject to, and notwithstanding the foregoing objection, Plaintiff is not in possession of any responsive information to this request.

Dated: New York, New York
December 4, 2023

Yours, etc.

LEVIN EPSTEIN & ASSOCIATES, P.C.

By: /s/Joshua D. Levin-Epstein
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Email: Joshua@levinepstein.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
Leroy Jones, *on behalf of himself and others similarly
situated in the proposed FLSA Collective Action,*

Case No.: 1:22-cv-06010

Plaintiff,

-against-

Mega Home & Linen, Inc., and Shaun Zakaria,

Defendants.
-----X

**PLAINTIFF'S RESPONSES AND OBJECTIONS TO
DEFENDANTS' FIRST SET INTERROGATORIES**

Leroy Jones (the "Plaintiff"), through his undersigned counsel, as and for their responses to Defendants Mega Home & Linen, Inc., and Shaun Zakaria (together, the "Defendants") First Set of Interrogatories, respond as follows:

These responses are made solely in relation to the above-captioned action, and are proffered only for the purpose of responding to the Defendants' Requests. All responses are subject to the objections noted below. Plaintiff reserves the right to object on any ground to 1) the admissibility or use of any information provided herein in any subsequent stage or proceeding in this or any other action; and 2) any other discovery procedure relating to the subject matter of this Request. Additionally, these responses are given without prejudice to Plaintiff's right to produce at a later date and/or rely at trial upon information that is subsequently discovered or inadvertently omitted.

GENERAL OBJECTIONS AND LIMITATION TO ALL REQUESTS

Plaintiff hereby incorporates by reference each of the following General Objections and Limitations ("General Objections") in their responses to each specific Request as if specifically

set forth therein, in addition to such other specific and further objections to each Request as noted in each response. Any such specific objections to a particular Request shall not be construed as a waiver of any of Plaintiff's General Objections, and any reference to or restatement of a General Objection in the response to a particular Request shall not limit that General Objection or waive any other General Objection. Unless otherwise specifically stated, Plaintiff's objections to each Request apply to the entire Request, including each and every subparagraph of each Request.

1. Plaintiff objects to each Request to the extent that it is overly broad, seeks irrelevant, immaterial, or unnecessary information, is not reasonably calculated to lead to the discovery of relevant or admissible evidence, or is in any way beyond the scope of disclosure required by the FRCP.

2. Plaintiff objects to each Request to the extent that it is duplicative, unreasonably cumulative, unduly burdensome, oppressive or unduly expensive to answer.

3. Plaintiff objects to each Request that it calls for a legal conclusion.

4. Plaintiff objects to each Request to the extent that the information requested is a matter of public record or is already in the possession of Defendants (including without limitation any documents already produced in this matter), or that the burden of obtaining the information would otherwise be less or substantially the same for Plaintiffs as for Defendant.

5. Plaintiff objects to each Request to the extent that they seek documents generated subsequent to the commencement of this litigation, on the grounds that such Requests seek information either not relevant to the subject matter of the litigation, and/or not reasonably calculated to lead to the discovery of admissible evidence.

6. Plaintiff objects to each Request to the extent that it seeks the production of information or documents protected from discovery by any privilege, including the attorney-client

privilege (including without limitation documents prepared in anticipation of litigation by or for Plaintiff or their attorneys (or any agents or representatives of Plaintiff or their attorney), or documents or information which would disclose the mental impressions, conclusion, opinions, or legal theories of attorneys or other agents or representatives of Plaintiff concerning any matters at issue in this litigation) or any other applicable privilege, immunity, or limitation on discovery. To the extent any protected information is produced or otherwise disclosed, such production or disclosure is inadvertent, and Plaintiff shall not be deemed to have waived any privilege with respect to that or any other information.

7. Plaintiff objects to each Request to the extent that it is not limited to a specific time period relevant to the matter or exceeds the applicable statute of limitations.

8. Plaintiff objects to each Request to the extent it seeks personal or confidential information (including without limitation employment and financial information) concerning individuals or entities not involved in this action.

9. Plaintiff objects to each Request to the extent that it calls for speculation, is vague or ambiguous, or otherwise alleged agents or representatives of Plaintiff who are not subject to Plaintiff's control, or to the extent that such information would violate any privacy interests or other rights of alleged agents or representatives.

10. Plaintiff objects to each Request to the extent that it seeks information from any former, apparent, or otherwise alleged agents or representatives of Plaintiff who are not subject to Plaintiff's control, or to the extent that such information would violate any privacy interests or other rights of alleged agents or representatives.

11. Plaintiff objects to each Request to the extent that it seeks information that was not created by Plaintiff, or is not currently in the possession, custody, or control of Plaintiff, or seeks

to impose upon Plaintiff an obligation to acquire, review, or otherwise have knowledge of information that is in possession of others.

Without waiving the General Objections or any objections set forth in response to specific Requests, Plaintiff respond, within the limits of these objections, as set forth below.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

Interrogatory No. 1 State your full name, date of birth, social security number, all addresses you have lived at for the past six (6) years, and all other names by which you have ever been known?

Response: Plaintiff objects to this interrogatory as overly broad and unduly burdensome insofar as it seeks privileged and confidential information that has no relevance to Defendants' affirmative defenses or defenses. Plaintiff further objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to Plaintiff's Rule 26(a) initial disclosures.

Interrogatory No. 2 State, for the six (6) year period prior to the date of these interrogatories, the names and address of each of your past and present employers, including any and all other employment you held while working for Defendants.

Response: Plaintiff objects to this interrogatory as overly broad and unduly burdensome insofar as it seeks privileged and confidential information that has no relevance to Defendants' affirmative defenses or defenses. Plaintiff further objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to Plaintiff's Rule 26(a) initial disclosures.

Interrogatory No. 3 State the name and address of every person known or believed by you to have any knowledge or information pertinent to any of the issues involved in this litigation and specify the subject matter about which each such person has knowledge.

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to Plaintiff's Rule 26(a) initial disclosures.

Interrogatory No. 4 Have you heard or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit? If so, identify all person(s) who made the statement or statements, identify all person(s) who heard said statement(s), and identify the substance of each statement

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to Plaintiff's Rule 26(a) initial disclosures.

Interrogatory No. 5 As it relates to your relationship with the Defendants:

- a) State the date when you began working with the Defendants;
- b) Describes with specificity your duties and responsibilities as an employee with Defendants;
- c) Identify the last date of your employment with Defendants;
- d) State the amounts you have received from Defendants as wages, specifying the dates of payment and hours worked on those dates

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to ¶¶ 33 through 41 of the Complaint.

Interrogatory No. 6 As it relates to your relationship with the Defendants:

- a) Identify with specificity how you know that Defendants were intentionally, willfully not paying you in a manner not compliant with the FLSA or NYLL, such that you made that allegation in this case.

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to ¶¶ 33 through 49 of the Complaint.

Interrogatory No. 7 Please state all facts that you intend to reply on to establish that Defendants did not pay you overtime wages as, alleged in your complaint.

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices.

Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to ¶¶ 33 through 41 of the Complaint.

Interrogatory No. 8 Identify any and all facts upon which you intend to reply to prove your allegations that Defendants violated the FLSA or NYLL in regard to your employment.

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to ¶¶ 33 through 41 of the Complaint.

Interrogatory No. 9 Identify any and all documents upon which you intend to rely to prove your allegations that Defendant violated the FLSA or NYLL in regard to your employment.

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to ¶¶ 33 through 41 of the Complaint.

Interrogatory No. 10 State whether you have ever, informally or formally, alleged that an employer (other than Defendants herein) has violated the FLSA or NYLL. If yes, provide the names of all such employers, the dates of the complaints, the time period you worked for the employer, the entity or person to whom the allegation or complaint was made, and the substance of the complaint.

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to ¶¶ 33 through 41 of the Complaint.

Interrogatory No. 11 State whether you have attempted to obtain other employment after your employment relationship with Defendants terminated. If yes, state the names and addresses of the individual(s) and/or entities with whom you applied for employment.

Response: Plaintiff objects to this interrogatory as overly broad and unduly burdensome insofar as it seeks privileged and confidential information that has no relevance to Defendants' affirmative defenses or defenses. Plaintiff further objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices.

Interrogatory No. 12 State whether you obtained other employment since your employment relationship with Defendants terminated. If so, for each such employment, please state the name

and address of each employer.

Response: Plaintiff objects to this interrogatory as overly broad and unduly burdensome insofar as it seeks privileged and confidential information that has no relevance to Defendants' affirmative defenses or defenses. Plaintiff further objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices.

Interrogatory No. 13 State separately, on a week-by-week basis, all time worked each day by plaintiff during alleged employment by defendants.

Response: Plaintiff objects to this interrogatory to the extent that the information requested is more practically obtainable by deposition or other discovery devices. Subject to, and notwithstanding the foregoing, Plaintiff respectfully refers Defendants to ¶¶ 33 through 41 of the Complaint.

Dated: New York, New York
December 4, 2023

Yours, etc.

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